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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	CASE NO. 2:23-mj-0475-NJK
)	
Plaintiff,)	Las Vegas, Nevada
)	June 5, 2023
vs.)	Courtroom 3B
)	
ANTHONY LEWIS HAMELIN,)	Recording method: Liberty/CRD
)	3:24 p.m. - 3:33 p.m.
Defendant.)	INITIAL APPEARANCE
_____)

C E R T I F I E D C O P Y

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE BRENDA N. WEKSLER
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES: (See next page)

Recorded by: J. Miller

Transcribed by: PAIGE M. CHRISTIAN, RMR, CRR, CCR #955
United States District Court
333 Las Vegas Boulevard South
Las Vegas, Nevada 89101

Proceedings recorded by electronic sound recording.
Transcript produced by mechanical stenography and computer.

1 **APPEARANCES:**

2

3 For the Government:

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9

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16 ALSO PRESENT: Vanessa Montes, PTS

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1 LAS VEGAS, NEVADA; JUNE 6, 2023; 3:24 P.M.

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3 P R O C E E D I N G S

4 **COURTROOM ADMINISTRATOR:** Your Honor, we are now
5 calling United States of America vs. Anthony Lewis Hamelin. The
6 case number is 2:23-mj-0475-NJK.

7 Beginning with government counsel, will counsel
8 please state your names for the record.

9 **MR. ROSE:** Good afternoon, Your Honor. Steven Rose
10 for the government. I'm standing in today on behalf of Jake
11 Operskalski.

12 **THE COURT:** Good afternoon, Mr. Rose.

13 **MR. PUGH:** Brian Pugh on behalf of Mr. Hamelin, who's
14 present and in custody.

15 **THE COURT:** Good afternoon to both of you.

16 All right. Sir, before we go forward, could you
17 please state your full name for the record.

18 **THE DEFENDANT:** Anthony Lewis Hamelin, L-E-W-I-S --

19 **THE COURT:** Thank you, sir.

20 **THE DEFENDANT:** -- H-A-M-E-L-I-N.

21 **THE COURT:** Thank you.

22 How old are you, sir?

23 **THE DEFENDANT:** 51.

24 **THE COURT:** And how far have you gone in school?

25 **THE DEFENDANT:** About a mile and a half.

1 **THE COURT:** I'm sorry?

2 **THE DEFENDANT:** That was a joke. I said a mile and a
3 half.

4 **THE COURT:** Okay.

5 **THE DEFENDANT:** I have a master's degree in public
6 administration.

7 **THE COURT:** All right. Very well.
8 The complaint in this case charges you with
9 influencing, impeding, or retaliating against a federal official
10 by threatening a family member. This is a violation of Title 18
11 United States Code Section 115 subsection (a)(1)(A).

12 Did you receive a copy of the complaint?

13 **THE DEFENDANT:** Yes, ma'am.

14 **THE COURT:** Do you understand what it is you're being
15 accused of?

16 **THE DEFENDANT:** Yes, ma'am, I do.

17 **THE COURT:** You have the right to assistance of
18 counsel at all stages of these proceedings, and if you cannot
19 hire counsel, one will be appointed to you at the public's
20 expense.

21 Can you afford to hire counsel at this time?

22 **THE DEFENDANT:** No, ma'am.

23 **THE COURT:** Did you go over some questions regarding
24 your finances with Mr. Pugh prior to court?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** Did you understand that when you were
2 providing answers to Mr. Pugh, you were doing so under penalty of
3 perjury?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** And did you provide truthful information
6 to him?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** I've reviewed the financial affidavit
9 form. I find that you qualify for the appointment of counsel and
10 will appoint the Office of the Federal Public Defender to
11 represent you.

12 Sir, you're not required to make any statements about
13 the charges, either here in court or to any law enforcement
14 officer. Anything you say can be used against you.

15 Do you understand these rights?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** You also have the right to a preliminary
18 hearing at which the government will be required to show that
19 there is probable cause to believe that you committed the crime
20 charged.

21 This provision may or may not apply to you. If
22 you're not a United States citizen, you have the right to request
23 that an attorney for the government notify the counselor office
24 of your country of nationality.

25 Under Criminal Rule 5(f), the government is ordered

1 to comply with its disclosure obligations under *Brady v. Maryland*
2 and related cases. Failure to do so may result in sanctions.

3 Sir, do you understand the purpose of this hearing?

4 **THE DEFENDANT:** Yes. The purpose of the hearing is
5 to set a hearing.

6 **THE COURT:** Very well. Mr. Pugh, do you have any
7 reason to question the competence of the defendant to understand
8 the charges against him and to assist in his defense?

9 **MR. PUGH:** I do not.

10 **THE COURT:** Thank you very much.

11 As to the detention hearing, Mr. Rose, is the
12 government moving for detention?

13 **MR. ROSE:** Your Honor, I'm asking for detention under
14 18 U.S.C. Section 3142(f)(2)(A) and (B) and are ready to proceed.

15 **THE COURT:** Give me the section one more time,
16 please.

17 **MR. ROSE:** 3142(f)(2)(A) and (B).

18 **THE COURT:** All right. Very well.

19 Mr. Pugh, are you ready to proceed?

20 **MR. PUGH:** We are, Your Honor. For the Court's
21 information, Mr. Hamelin is waiving his right to argue for his
22 release and is submitting.

23 **THE COURT:** All right. Very well.

24 Still need you, Mr. Rose, to go ahead and make a
25 record.

1 **MR. ROSE:** Yes, Your Honor. Thank you.

2 (Indiscernible) first at the -- argue both under the
3 risk of flight and the risk of safety to the community. In
4 looking both at the nature of the underlying offense, obviously,
5 it is (indiscernible) concern given the specific allegations that
6 are made -- this specific threat that was made to the family
7 member.

8 In addition to that, Your Honor, if you look at the
9 defendant's prior criminal history, although it is
10 (indiscernible) offense, the defendant does have a prior
11 conviction for a very similar offense, that being a conviction in
12 approximately 1994 for threats against the President after
13 sending threats through the mail against the President. This
14 resulted in a 30 to 30-month -- -7-month sentence.

15 (Indiscernible) that was enough to stop the defendant
16 from -- from sending the threat that he did in this particular
17 case, it's also of note to the government that in the prior case,
18 the threats there not only were they threats against the
19 President, but the defendant made statements to the effect that
20 he wanted to be known as someone who had assassinated the
21 President.

22 Then, you turn to the case at hand, and not only
23 did -- does the government have evidence of the threats in the
24 form of text messages and the voicemail, but it's my
25 understanding that later on, the defendant was interviewed. And

1 after he was read his rights, he gave a statement to the agents
2 investigating the case wherein he acknowledged making a number of
3 these statements and indeed was giving a rationale for it wherein
4 it sounded almost as if the defendant was proud of the statements
5 that he made. This was, in his mind, a good plan.

6 He's also very clear in what he said. This was not
7 something where he said, Oh, I don't like this person. I'm going
8 to harm them. He gave a very specific plan as to what he was
9 going to do, even identifying a specific weapon that he wished to
10 use.

11 In addition to all of that, Your Honor, you have
12 (indiscernible) other side of the (indiscernible), the other
13 factors for the Court to consider. But unfortunately, the
14 defendant here declines to interview with Pretrial, so the Court
15 doesn't have a way to evaluate his employment, his financial
16 resources, and length of residence in the community, a history of
17 (indiscernible). His declination to interview with Pretrial has
18 also deprived the Court of the ability to assess his family ties.
19 The Court can't consider or look at, you know, for example, a
20 third-party custodian.

21 So, for all of the reasons, I believe the -- I'm
22 sorry, the government has met its burden both (indiscernible)
23 preponderance of the evidence, because it does appear, at least
24 on facts known to the government, that the defendant has less
25 than stable housing, has already articulated a desire to go from

1 Nevada to another state. I believe the government has shown the
2 preponderance of the evidence for the risk of flight and the
3 clear and convincing evidence for the risk of danger to the
4 community.

5 With that, I'll submit.

6 **THE COURT:** All right. I've reviewed the charging
7 documents, the Pretrial Services report, and heard arguments from
8 counsel. I find here that the government has met its burden to
9 show by a preponderance of the evidence that no condition or
10 combination of conditions will reasonably assure the appearance
11 of such person as required, and the safety of any other person
12 and the community.

13 I also find that the government has met its burden by
14 clear and convincing evidence that no condition or combination of
15 conditions will reasonably assure the safety of any other person
16 and the community.

17 For those reasons, Mr. Hamelin will be detained
18 pending his preliminary hearing in this case. The rationale for
19 my decision is as follows: He has not interviewed with Pretrial
20 Services. As a result, I have no information regarding his
21 history, his residence, or family ties. I don't have any
22 information regarding his employment history and very little
23 information about his financial resources. I don't have any
24 information regarding his health.

25 With regards to his prior criminal record, while all

1 of the convictions are rather stale, I don't -- I do note a
2 pattern, as the government has noted, with regard to the threats
3 against individuals who hold office such as the one contained in
4 the complaint. The priors here have to do with threats against
5 the President.

6 I rely on the proffer that the government provided
7 regarding the nature of the current offense, and for that reason
8 and the prior conviction that I just mentioned, I find that no
9 conditions can be fashioned in this case.

10 Do we need any other dates, Mr. Miller?

11 **COURTROOM ADMINISTRATOR:** Yes, Your Honor. For the
12 record, the preliminary hearing date in the matter will be
13 scheduled for Monday, the June 19th, 2023, at four o'clock p.m.,
14 in Courtroom 3C before the honorable Judge Koppe.

15 **THE COURT:** All right. Mr. Pugh, I see that your
16 client wants to say something --

17 **THE DEFENDANT:** I just have one question, Your Honor.

18 **THE COURT:** Talk to -- talk to your attorney first.

19 **THE DEFENDANT:** Yes. If -- if these people are so
20 important that they need federal protection, why are they not
21 (indiscernible)?

22 They need to be named. Name them if they're so
23 important they need to be federally protected. You -- you don't
24 even miss --

25 **THE COURT:** Okay. It doesn't sound to me like you

1 have a question. You have more of a complaint.

2 Mr. -- Mr. Rose, do you have anything further in this
3 case?

4 **MR. ROSE:** No, Your Honor. Thank you.

5 **THE COURT:** Mr. Pugh, do you have anything further?

6 **MR. PUGH:** No, Your Honor. Thank you --

7 **THE COURT:** All right. Very well. Thank you.

8 **COURTROOM ADMINISTRATOR:** All rise.

9 *(Proceedings adjourned at 3:33 p.m.)*

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11 I, Paige M. Christian, a court-appointed transcriber,
12 certify that the foregoing is a correct transcript transcribed
13 from the official electronic sound recording of the proceedings
14 in the above-entitled matter.

15

16 Date: September 16, 2024

17 /s/ Paige M. Christian
18 Paige M. Christian, RMR, CRR, CCR #955
19 Official Court Reporter
20 United States District Court
21 District of Nevada
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